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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 EDWARD NICHOLAS,

11 Plaintiff,

No. CIV S-08-3037 JAM KJM PS

12 vs.

13 DONALD HEFFNER, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is proceeding in this action pro se. The federal venue statute requires
17 that a civil action, other than one based on diversity jurisdiction, be brought only in "(1) a
18 judicial district where any defendant resides, if all defendants reside in the same State, (2) a
19 judicial district in which a substantial part of the events or omissions giving rise to the claim
20 occurred, or a substantial part of property that is the subject of the action is situated, or (3) a
21 judicial district in which any defendant may be found, if there is no district in which the action
22 may otherwise be brought." 28 U.S.C. § 1391(b).

23 Although the complaint is not a model of clarity, it appears that plaintiff is trying
24 to state a claim for violation of his civil rights arising out of actions taken by defendant Heffner,
25 who is located in Harrisburg, Pennsylvania, which is in the Middle District of Pennsylvania.
26 Therefore, plaintiff's claim should have been filed in the United States District Court for the

1 Middle District of Pennsylvania. In the interest of justice, a federal court may transfer a
2 complaint filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v.
3 McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

4 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
5 United States District Court for the Middle District of Pennsylvania.

6 DATED: December 22, 2008.

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U.S. MAGISTRATE JUDGE